

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ZACH HILLESHEIM,

Plaintiff,

v.

BARRINGTON SHOPPES AT 370, L.L.C.,

Defendant.

8:18CV290

ORDER

This matter is before the Court on a Findings and Recommendation (Filing No. 13) issued by the magistrate judge¹ pursuant to 28 U.S.C. § 636(b)(1). The magistrate judge recommends the Court dismiss this case “for failure of service pursuant to Federal Rule of Civil Procedure 4(m).” The magistrate judge notes he has twice ordered plaintiff Zach Hillesheim (“Hillesheim”) to show cause (Filing Nos. 5, 12) why this case should not be dismissed for lack of prosecution. Hillesheim responded (Filing No. 8) to the first order and was given more time to serve the defendant (Filing No. 9) but did not. To this point, Hillesheim has not (1) responded to the magistrate judge’s second order to show cause, (2) provided any evidence of service, or (3) filed any objections to the magistrate judge’s findings and recommendation of dismissal.

Section 636(b)(1) requires this Court to “make a de novo review of . . . specified proposed findings or recommendations to which objection is made.” Absent objection, however, further review is unnecessary. *See Peretz v. United States*, 501 U.S. 923, 939 (1991); *Leonard v. Dorsey & Whitney LLP*, 553 F.3d 609, 619-20 (8th Cir. 2009) (“[T]he failure to file objections eliminates not only the need for de novo review, but *any* review by the district court.”); *see also* Fed. R. Crim. P. 59 (a), (b)(2) (explaining the failure to timely object waives the right to review); NECrimR 59.2(a), (e).

¹The Honorable Michael D. Nelson, United States Magistrate Judge for the District of Nebraska.

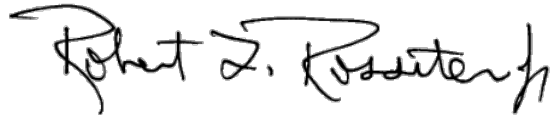
Because Hillesheim has not responded to the second order to show cause and has not objected to the magistrate judge's findings and recommendation,

IT IS ORDERED:

1. The Findings and Recommendation (Filing No. 13) is accepted. Any objections are deemed waived.
2. This case is dismissed without prejudice.

Dated this 27th day of December 2018.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", with a stylized flourish at the end.

Robert F. Rossiter, Jr.
United States District Judge